



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

August 2, 2010

Maurice Evans  
Acting District Ranger  
Lookout Mountain Ranger District  
3160 NE 3<sup>rd</sup> Street  
Prineville, Oregon 97754

RE: EPA Region 10 Review of the Mill Creek Allotment Management Plans Draft  
Environmental Impact Statement. EPA Project Number: 10-006-AFS.

Dear Mr. Evans:

The U.S. Environmental Protection Agency (EPA) has reviewed draft Environmental Impact Statement (DEIS) for the Mill Creek Allotment Management Plans (CEQ# 20100222) on the Lookout Mountain Ranger District of the Ochoco National Forest, Crook County, Oregon. Our review of the DEIS was conducted in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the DEIS considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

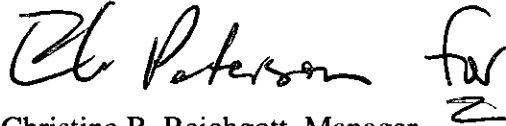
The focus of the DEIS is the reauthorization of cattle term grazing permits while implementing actions needed to bring riparian and range conditions into compliance with current direction. Four alternatives are considered: No Action (under which grazing would not be reauthorized, resulting in the relinquishment of all current permits); Alternative 2, which would reauthorize grazing on four allotments, modify livestock management and conduct active riparian restoration; Alternative 3, which would maintain the current permitted season and amount of use (permits would be issued under the same terms and conditions as the existing permits); and Alternative 4, which would reduce administrative complexity by splitting the Mill Creek Allotment into four separate allotments.

EPA is supportive of the proposed management objectives, particularly as they relate to improved stream temperatures, bank stability and riparian vegetation. However, our review identified concerns related to the range of alternatives analyzed in support of these objectives. Specifically we believe that the DEIS includes only two viable action alternatives (Alternatives 2 and 4), and that these alternatives do not represent an adequate range in terms of the riparian management strategies identified. We recommend that Alternative 2 be modified to incorporate elements of Alternative 1 in order to provide the Decision Official with additional information about the potential benefits to water quality and riparian condition associated with a reduction in Animal Unit Months (AUMs) and/or retirement of selected pastures. We also raise questions

about how active management would be implemented and enforced, and the adequacy of the proposed streambank alteration standards. Please refer to the attached comments for further detail.

Based on our analysis, we have rated this DEIS as EC-2 (Environmental Concerns – Insufficient Information). An explanation of this rating is enclosed. We appreciate the opportunity to provide comments, and I encourage you to contact Teresa Kubo of my staff with any questions at (503) 326-2859 or [kubo.teresa@epa.gov](mailto:kubo.teresa@epa.gov).

Sincerely,

Handwritten signature of Christine B. Reichgott in black ink. The signature is cursive and includes a small 'for' and a 'Z' mark to the right.

Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit

**EPA Region 10 Detailed Comments on  
Mill Creek Allotment Management Plans  
Draft Environmental Impact Statement  
August 2, 2010**

**Range of Alternatives**

We recognize that the definition of the no-action alternative depends on the nature of the proposed action. However, when the proposed action involves updating an adopted management plan or program (as is the case in this DEIS), the no-action alternative should be the continuation of the current management plan or program. In this case, that function is served by Alternative 3. Although Alternative 1 (referred to as the no action alternative) analyzes what would occur in the absence of the permit program, it does not serve the intended function of the no-action alternative, which is to provide a baseline or benchmark against which to compare other alternatives. Furthermore, the purpose and need statement states that this allotment management plan is needed because water temperatures and bank instability exceed standards, and undesired modifications to riparian vegetation have occurred within portions of the Mill Creek Allotment. These undesired conditions developed under the current permitting regime, or Alternative 3. Because Alternative 3 would "maintain current observed trends in riparian condition in the project area" (DEIS, p. xii) it does not effectively address the purpose and need for the project, and should not be considered as a viable action alternative.

Alternative 1, then, should be considered a de facto action alternative. This too is problematic, however, because the Ochoco National Forest Land and Resource Management Plan (Forest Plan) allows for livestock use and recognizes that ranching is important to surrounding communities. As noted in the DEIS, it is Forest Service policy to make forage available for livestock grazing on lands that are suitable for grazing and capable of providing forage, where it is consistent with the forest plan (DEIS p. 5). Alternative 1, then, also does not effectively address the purpose and need for the project.

Ultimately, we believe there are only two viable action alternatives (2 and 4) analyzed in the DEIS. We also believe that there is very little difference between alternatives 2 and 4 in terms of how water temperatures, bank instability, and riparian modifications would be addressed. This does not provide the Responsible Official with a range of alternatives that could accomplish the proposed action's purpose and need. Per 40 CFR 1502.14, the DEIS must present the environmental impacts of the proposed action and alternatives in comparative form, sharply defining the issues and providing a clear basis for choice by decision makers and the public. In order to satisfy this requirement, we recommend that Alternative 2 be modified to include elements of Alternative 1. Specifically, we recommend that Alternative 2 be modified to include a reduction in AUMs, and/or the retirement of pastures. Emphasis should be placed on the retirement of pastures that are of high ecological value, but low forage value, particularly in areas where riparian condition is heavily compromised. Having this additional information will assist the Responsible Official in making an informed and defensible decision.

**Comparison of Alternatives**

As noted above, it is difficult to draw much distinction between Alternatives 2 and 4 with regard to riparian management. This is compounded by a lack of clarity within the document

about when differences between the alternatives do exist. For example, maps of Alternatives 2 and 4 appear to include the same amount of new enclosure fencing, however page 73 of the DEIS indicates that Alternative 4 would include an extra mile of riparian enclosure along Mill Creek. The total miles of enclosure fencing by alternative should be clarified in the document. It would be helpful if enclosure fencing were included as a parameter for comparison within Table 3 (comparison of alternatives). At present it appears that Table 3 only considers miles of pasture fencing.

Other information that would be valuable in the comparison of Alternatives is included in the document, but not included in Table 3. In order to help the reader and the Responsible Official draw a clear comparison between the alternatives, we recommend that Table 3 be expanded to also include the number of acres underburned, the number of large woody debris placements, miles of road decommissioned, and miles of stock driveways created.

### **Active Management**

Active management is a cornerstone of the riparian improvement strategy within the proposed action alternatives. This concept, however, is only mentioned as a footnote, and very little detail is provided about what "active management" would entail on the ground. We recommend this concept, and its implications for permittees, be more fully explored under the description of alternatives. We also note that little detail is provided regarding how compliance with active management would be ensured. Page 52 states that every year, monitoring results from the previous year would be considered, and that failure to meet standards would result in adjustments in management the following year. There is no discussion, however, of thresholds for management adjustment. An "if/then" matrix that identifies triggers for changes in, for example, livestock numbers, season of use or the amount of use, would help the reader and the decision maker understand the potential ramifications of failing to meet standards. We further note that this strategy addresses environmental degradation only after it has occurred. We recommend that the FEIS also include a discussion of mechanisms that could be used during the grazing season to ensure that active management is occurring as prescribed. As noted on page 124 of the DEIS, "If daily management is not performed where and how specified and water developments are not put in place as soon as possible, the effects would be substantially different". If there is not an effective enforcement mechanism in place, we cannot be sure that daily management will be performed as specified. In that event, the EIS should account for any attendant impacts, and recommend measures to mitigate for those impacts.

### **Streambank Alteration Standards**

Page 137 of the DEIS indicates that livestock would be moved or removed at greater than 15% streambank alteration in steelhead waters and greater than 20% elsewhere. We recognize that this is consistent with the direction in the Programmatic BA. We also note, however, that other ongoing Forest Service planning efforts are considering more stringent streambank alteration standards. In the Blue Mountains, for example, the following alteration standards have been proposed (see page 113 of the proposed action document available at [http://www.fs.fed.us/r6/uma/blue\\_mtn\\_planrevision/](http://www.fs.fed.us/r6/uma/blue_mtn_planrevision/)):

<b>Stream Type</b>	<b>Amount of Alteration</b>
Unconfined	5 percent
Moderately confined	10 percent
Confined	20 percent

Given the stated objectives of the Mill Creek Allotment Management Plan DEIS (improved stream temperatures, bank stability and riparian vegetation), we encourage the Forest to incorporate more stringent streambank alteration standards into the action alternatives. This may move sites toward the 80% streambank stability goal more rapidly and potentially allow for greater consistency among Forest Plans in the future.

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.